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OFFICIAL**OFFICIAL BUSINESS**

Date: February 6, 2004

To: Examiner: **Addison, Karen B.**
Art Unit: 2834

Fax No.: 703-872-9306

From: Stephen P. Burr

Subject: U.S. Application Ser. No. 09/918,367
Filed: July 30, 2001
Conf. No.: 1063
Title: APPARATUS FOR OUTPUTTING LASER BEAM

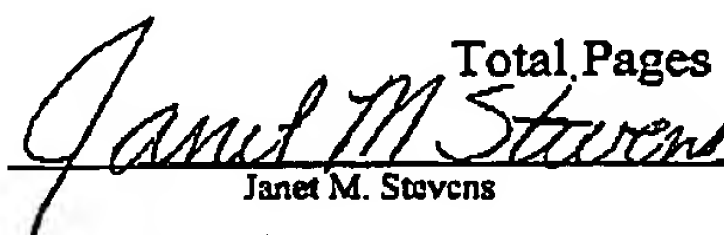
Our Ref.: 782_180

You should receive 6 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following paper(s) is/are being facsimile transmitted to 703-872-9306 at the Patent and Trademark Office on February 6, 2004:

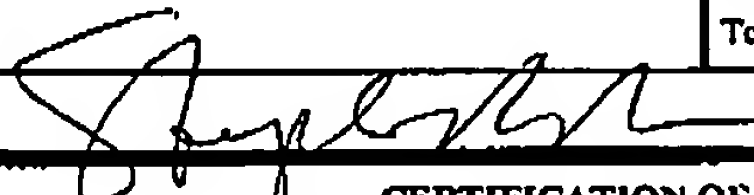
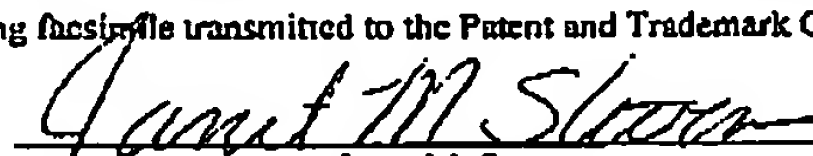
- Transmittal (in duplicate) 2 pages
- Request for Reconsideration 3 pages
- This Cover Sheet 1 pages

Total Pages

6
Janet M. Stevens

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BURR & BROWN

TRANSMITTAL FORM (Provisions of 37 CFR 1.136 Apply)						
Application Number	09/918,367	Filing Date	July 30, 2001			
Group Art Unit	2834	Examiner Name	Addison, Karen B.			
Confirmation No.	1063	Attorney Docket No.	782_180			
Inventor(s)	Yukihisa TAKEUCHI					
Invention:	APPARATUS FOR OUTPUTTING LASER BEAM					
Transmitted herewith is a Request for Reconsideration in the above-identified application. The fee has been calculated as follows:						
CLAIMS						
(1)	(2) Claims Remaining	(3)	(4) Highest Number Previously Paid	(5) No. of Extra Claims Present	(6) Rate (Large Entity)	(7) Additional Fee
TOTAL CLAIMS	13	MINUS	20	0	\$18.00	\$00.00
INDEP. CLAIMS	2	MINUS	3	0	\$86.00	\$00.00
TOTAL ADDITIONAL FEE						\$00.00
EXTENSION OF TERM						
<input checked="" type="checkbox"/> Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.						
<input type="checkbox"/> This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. The requested extension and appropriate non-small entity fee are as follows:						
<input type="checkbox"/> One Month (37 CFR 1.17(a)(1)) \$110.00						
<input type="checkbox"/> Two Month (37 CFR 1.17(a)(2)) \$420.00						
<input type="checkbox"/> Three Month (37 CFR 1.17(a)(3)) \$950.00						
TOTAL FEES DUE						
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount is reduced by one-half, and the resulting fee is:						
FEE PAYMENT						
<input checked="" type="checkbox"/> No additional fee is required.						
<input type="checkbox"/> A check in the amount of \$_____ is enclosed.						
<input type="checkbox"/> Charge Deposit Account 50-1446 in the amount of \$. Enclosed is a duplicate copy of this sheet.						
<input checked="" type="checkbox"/> Please charge any fees which may be required, or credit any overpayment, to Deposit Account 50-1446.						
Submitted By:						
Name (Print Type)	Stephen P. Burr		Reg. No.	32,970	Customer No.	025191
			Telephone	(315) 233-8300	Facsimile	(315) 233-8320
Signature					Date	February 6, 2004
CERTIFICATION OF FACSIMILE TRANSMISSION						
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on February 6, 2004 at 703-872-9306.						
 Janet M. Stevens						

OFFICIAL

PATENT

Practitioner's Docket No.: 782_180

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: **Yukihisa TAKEUCHI**

Ser. No.: 09/918,367

Group Art Unit: 2834

Filed: July 30, 2001

Examiner: Addison, Karen B.

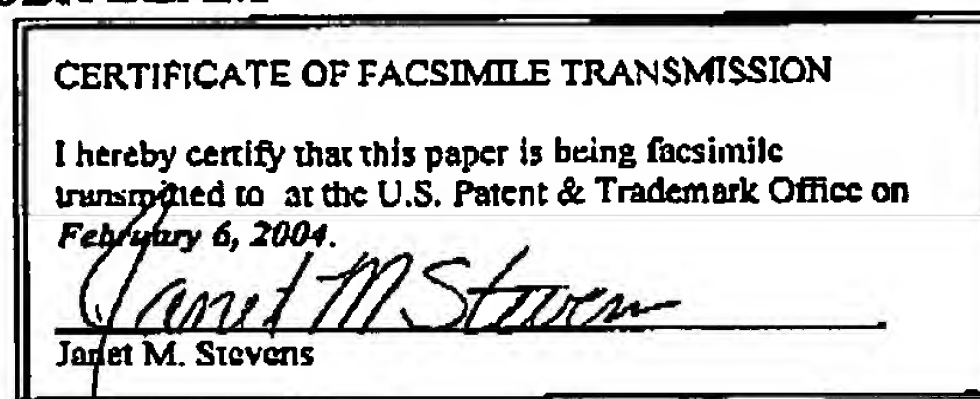
Confirmation No.: 1063

For: **APPARATUS FOR OUTPUTTING LASER BEAM**

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FEB 06 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



REQUEST FOR RECONSIDERATION UNDER RULE 116

Sir:

In response to the Office Action mailed November 6, 2003, Applicant respectfully requests reconsideration and withdrawal of the rejections of record based on the following arguments.

Claims 1-13 are pending herein. Applicant respectfully submits that claims 1-13 are in condition for allowance for the reasons explained below.

Examiner Addison is thanked for the courtesies extended to Applicant's representative (Nicole Buckner) during a telephonic interview on February 4, 2004, the substance of which is incorporated below.

Applicant appreciates Examiner Addison indicating that claims 8-13 are allowed. In addition to allowed claims 8-13, Applicant respectfully submits that claim 1-7 are also in condition for allowance for the reasons explained below, and respectfully requests that a Notice of Allowance be issued for this application in due course.

1. Claims 1 and 7 were rejected under 35 U.S.C. §102(b) over JP '019. Applicant respectfully traverses this rejection.

Independent claim 1 recites an apparatus for outputting a laser beam comprising a laser beam source, laser beam diameter adjusting means for adjusting a diameter of a beam incident from the laser beam source, laser beam reflecting direction controlling means for controlling a reflecting direction of the beam incident from the laser beam diameter adjusting means and recording means for recording information data in accordance with the diameter of the beam incident from the laser beam reflecting direction controlling means.

Claims 7 depends from independent claim 1 and further recites a first optical system arranged in an optical path between the laser beam source and the laser beam diameter adjusting means and a second optical system arranged in an optical path between the laser beam reflecting direction controlling means and the recording means.

During the telephonic interview, Examiner Addison indicated that she had a complete English-language translation of JP '019.* Examiner Addison asserted that her translation of JP '019 discloses that the piezoelectric element 29 controls element 27 to adjust the "luminous gap" between beams B₁ and B₂ as shown, for example, in Fig. 3 of JP '019. Examiner Addison indicated that she was interpreting "luminous gap" to mean the difference or change in the spacing between the two beams B₁ and B₂.

Even if Applicant accepts this interpretation, however, Applicant respectfully submits that JP '019 still does not disclose or suggest any means for *adjusting the diameter* of either beam B₁ or B₂, as recited in independent claim 1. That is, the phrase "luminous gap" that Examiner Addison quoted from her translation of JP '019 appears to be terminology derived from a machine translation of the reference. Applicant respectfully submits that "luminous gap" can still be interpreted in a manner that is consistent with Applicant's prior position, that the piezoelectric element 29 of JP '019 operates to adjust the emission *interval* between the two laser beams based on the potential difference data generated by the surface potentiometer 20 in connection with the control circuit 35. The piezoelectric element 29 of JP '019 simply does not in any way adjust the *diameter* of either laser beam. Applicant respectfully submits that controlling the emission interval between the two laser beams is a time-related control

*In the event that Examiner Addison does not allow all pending claims in response to this document, Applicant respectfully requests that Examiner Addison provide a copy of the exact translation of JP '019 on which she is relying.

function, and that the "luminous gap" between the two beams could be considered to be the same as the emission interval between the two beams, on a temporal basis.

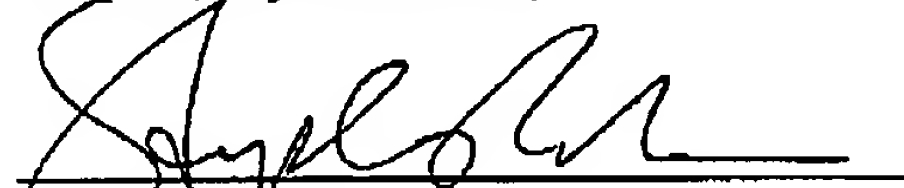
Again, Applicant respectfully stands by the prior representation regarding the actual function of the piezoelectric element 29 of JP '019, and respectfully submits that there is no disclosure in JP '019 of *laser beam diameter adjusting means* for adjusting a diameter of a beam incident from the laser beam source, as recited in independent claim 1.

For at least the foregoing reasons, Applicant respectfully submits that all claims pending herein define patentable subject matter over the art of record. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

If Examiner Addison believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, she is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

February 6, 2004
Date

SPB:NJB:jms

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